**Answering Protest Against** Street Arrest, Mitchel Defines Police Powers

Enforce Law Rigidly

Can Act Under Federal and State Statutes, Agitator Is Told

which he defined what constituted trea-

against the arrest and arraignment of West Eighty-seventh Street, who was yesterday of uttering seditious remarks which tended to incite a breach of the

police will make arrests.

"In time of war, when patriotic feeling runs high among loyal Americans abusive and insulting language direction on the night of August 14 for saying that, "any man who advocates the sending of American soldiers 3,000 miles from America is a traitor to his country."

Wrote to Magistrate Also

police will make arrests.

"In time of war, when patriotic feeling runs high among loyal Americans, abusive and insulting language directions of the police to arrest those using such language publicly.

"The Tribune is rendering an important service in exposing the operations of these 'enemies within.' They take they take every care to prepare and should be no delay in their enactment and in organization to enforce them.

"The Tribune is rendering an important service in exposing the operations of these 'enemies within.' They take it to your own conscience,' but they take every care to prepare and in organization to enforce them.

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### Wrote to Magistrate Also

O'Leary inclosed in his letter to the Mayor a letter which he had also written to Magistrate Emil Fuchs on the same subject. Both letters had much to say of free speech and the constitutional rights of American citizens. To the Mayor O'Leary wrote:

"We seize this opportunity to inquire if the present city administration in tends to ride rough shod over the constitutional rights of American citizens, and if under your administration it is possible for unpatriotic societies actuated by questionable motives to spread a reign of terror throughout the city end to make a mockery of law and justice in free America. We also want to know if the suggestion attributed to Inspector Dillon, of the New York police, urging one citizen who differs with another citizen 'to kick his belly out,' is to go unchallenged by the responsible authorities of the City of New York."

New York."
In his reply the Mayor said:
"I have your letter of August 15 addressed to me and the inclosed copy of a letter addressed by you to Magistrate Emil Fuchs. These letters, with their disingenuous inquiries, sufficiently indicate your own well known attiude toward your country and your overnment. Nevertheless, I will gladstate to you the position of the city administration in the public seditions utterance, in order that you and your associates may be amply warned.

Constitutional Provisions

"The Constitution of our country guarantees to all citizens the right of free speech, and it will be the concern, as it is the duty of the city government to conserve this right and protect every citizen in its legiti-ate exercise. Free speech, however,

ment to
stect every c.
exercise. Free sp.
not include the preac.
Ason or sedition, incitement to
Ace, or utterances tending to create
breach of the peace. The action of
he city government through the police
force will be governed by the statute
law. It is as follows:

"The Constitution of the United
States defines treason to include 'adhering to their (the United States)
enemies, giving them aid and comfort.

"This country is at war with Germany. Public denunciation of the action of the United States governments
in fighting a common enemy is calculated to give aid and comfort to that
enemy.

"I also call your attention to the act
ngress enacted June 15, 1917,
the espionage act.

"I did not." he answered himself.
"Now, Mr. O'Leary, be perfectly sure
of what you are saying. Did you see
the defendant stamp on the flag?"

"I did not."
After which testimony Magistrate
will makes false stateSimms promptly found Hehir guilty
and fined him \$15, with the alternative
of spending ten days in jail.
A friend of Hehir paid the fine,

"O'Leary, did you see the defendant seize the American flag?" he asked
climself.
"Now, Mr. O'Leary, be perfectly sure
of what you are saying. Did you see
the defendant stamp on the flag?"
"I did not."
After which testimony Magistrate
Simms promptly found Hehir guilty
and fined him \$15, with the alternative
of spending ten days in jail.
A friend of Hehir paid the fine,

Col. Reichmann Denie



Big drops mean a quick

clearing! 300 fine quality mackintoshes in a Sale to-day.

106 regularly \$15.00 157 \$16.50

civilian suits that were more. Greater variety now, Senator Fletcher said the testimony more. Greater variety now, thanks to recent revisions.

highest quality O. D. serge. Ready to wear. Fit we guar-

"Westpointer" shoes. Officers' Stet-son hats. Leggins. The Rogers-Peet camp toilet case.

ROGERS PEET COMPANY Broadway at 13th St. Broadway

at 34th St. Broadway Fifth Ave. Corners' at 41st St. at Warren

ments, with intent to interfere with the military or naval forces of the United States, or attempts to cause re-sistance to the obligation of citizens to bear arms in the defence of this country, is guilty under this statute. To urge men against service which in-volves copperation with the allies of the United States is clearly attempting to obstruct the recruiting and enlisto obstruct the recruiting and enlistent service of the United States.

Federal Criminal Code "Section 8 of the Criminal Code of the United States provides as follows:

"If two or more persons in any state or territory, or in any place subject to the jurisdiction of the United States, conspires to overthrow, put down or to destroy by force the government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder or delay the execution of any law of the United States, or by force to seize, take or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than \$5,000, or imprisoned not more than \$5,000, or imprisoned not more than six years, or both."

"Observe that conspiracy to cause of the Mayor's Committee on National Defence, sums up a situation to which "Section 8 of the Criminal Code of

than six years, or both."

"Observe that conspiracy to cause resistance to the Federal draft act or terday to Jeremiah O'Leary and the American Truth Society, in a letter in which he defined what constituted treations of United States troops in this war, or to any action of the government directing the operation of which he defined what constituted treations. The Tribune has devoted much space only the greed of the moneyed interduring the last few weeks.

In an interview yesterday, Mr. o'Committee on National world, that we all want peace and that the stream of the Mayor's Committee on National world, that we all want peace and that the stream of the mayor's Committee on National world, that we all want peace and that the stream of the mayor's Committee on National world, that we all want peace and that the stream of the mayor's Committee on National world, that we all want peace and that the stream of the mayor's Committee on National world, that we all want peace and that the stream of the mayor's Committee on National world, that we all want peace and that the stream of the mayor's Committee on National world, that we all want peace and that the stream of the moneyed interdent of the mayor's Committee on National world, that we all want peace and that the stream of the mayor's Committee on National world, that we all want peace and that the stream of the mayor's Committee on National world, that we all want peace and that the stream of the mayor's Committee on National world, that we all want peace and that the stream of the mayor's Committee on National world, that we all want peace and that the stream of the mayor's Committee on National world, that we all want peace and that the stream of the mayor's Committee on National world, that we all want peace and that the stream of the mayor's Committee on National world, that we all want peace and that the stream of the mayor's Committee on National world, the stream of the mayor's Committee on National world, the stream of the mayor's Committee on National worl

reputation as a pro-German agitator, with this matter. To denounce or publications. had written the Mayor in protest blackguard publicly an ally of the publications. "There may be a pro-German agitator, with this matter. To denounce or publications." w. J. Robinson, a law reporter, of 209
West Eighty-seventh Street, who was country is engaged in war seriously For such utterances the decency. For such ut police will make arrests.

concerned with your opinion, but be-cause I desire to have the position of the administration clearly understood and in order that men who are engaged in the despicable work of obstructing our country and slandering our gov-ernment in time of war may take heed."

### Trampling on Flag Costs Hehir \$15 Fine

### Moffett Forces Win Sequel to Battle With Soap Box

As a sequel to the fast becoming Into Millions famous battle of Soap Box 37, fought the night before at Broadway and Thirty-seventh Street between the indignant force of Cleveland Moffett and -so it must have seemed to Mr. Moffett-all the rest of the world, part of the combatants moved to the Men's Night Court sector last night. John Hehir, nineteen, who was accused of having seized and trampled on an American flag, was brought before

Magistrate Simms for a hearing. In the vanguard of the defending Hehir forces was Jeremiag O'Leary, With him he brought at least twenty witnesses-all, or at any rate all but one-ready to swear that Hehir hadn't so much as laid a finger on the flag.

The witnesses were working with beautiful precision until the name of Fifty-seventh Street, was called. She ca who can't read English and who stands, as many of them in New York Mrs. Mary K. Babcock, of 120 West took the stand and, for the moment, the self-confidence of O'Leary, when, in answer to his question, she promptly seen the defendant not only seize the dent here for a comparatively short shut the lid down hard on any editor mate exercise. Free speech, however, seen the defendant not only seize the dent here for a comparatively short does not include the preachment of frag but that she had seen him with time, lacking adequate contact with treason or sedition, incitement to violence, or utterances tending to create a breach of the peace. The action of the city government through the police force will be marked by the city government through the police perate efforts of the leader of the quite easily misled by false statements, "The contract of the perate efforts of the leader of the city government through the police perate efforts of the leader of the case of the perate efforts of the leader of the case of the perate efforts of the leader of the case of the perate efforts of the leader of the case of the perate efforts of the leader of the l

> 'ad- O'Leary had himself sworn as a wit- lieve what they read, for they are To say that a man has a right to say ness, and then progeeded to conduct a rapid fire examination of the witness, something after this fashion:
>
> without means to check the state-anything he pleases at any time is absurd. He might as well say he has

### Senate Committee Hears Charges Against Officer Promoted by Wilson

WASHINGTON, Aug. 23.-Hearings on the charges of disloyalty and pro-Germanism made against Colonel Carl Impossible to Doubt Reichmann, who had been named for Some Are Bribed brigadier general of the National Army by President Wilson, were be-Senate Military Affairs Committee.

Colonel and Mrs. Samson Lane Faison, who were passing through Washington on their way to North Caroother officials. It is impossible to beas well as its benefits; they want to do ington on their way to North Carolina, appeared before the committee.
They told of a tea given in Chicago
by Mrs. Faison, at which Colonel
Reichmann, is alleged to have made proneed no bribery. They are frankly anneed no bribery. \$16.50
\$11.50.

\$11.50.

\$22.00

Reichmann, is alleged to have made program and anti-war utterances. A letter was read also from Mrs. James Anderson, wife of a colonel in the Canadian army, who had been present at this tea, and which described the remarks of Colonel Reichmann. The hearing was executive, and Chairman Fletcher of the sub-committee de-

Army officers' uniforms of ighest quality O. D. serge. eady to wear. Fit we guarntee.

"Westpointer" shoes. Officers' Stet
Senator Fletcher said the testimony people do not want war, no matter use whatever force may be necessary to what Germany's aggression and insure our country's safety."

full of useless articles when they go to stocks, an extra shirt and collar, a their draft camps.

Colonol Reichmann began his testimony late this afternoon, denying the charges, and saying his remarks had been misconstrued. He will complete his testimony probably to-morrow.

There will be plenty of little things hearts might make their friends prestored for mothers, sweethearts and devoted ents of them. But they are warned not

### War Not Picnic. Mothers Are Told

Sweethearts Against Loading

# Enemies Within

Law Should Be Tightened to Punish Treason of Foreign-Language Newspapers

ound guilty in Jefferson Market Court disturbs and endangers the public peace effected, but among informed Ameri-

the nation faces to-day. While I would

Circulation Runs

New York. There are more than 1,200

the so-called pacifist organizations.

there are millions of people in Ameriquite easily misled by false statements, "This is no time for pussy-footing As a final effort to save his client ing of traitorous editors. They be- 'free speech.' All freedom is relative

"The editors themselves are quick to profit from the obscurity afforded by in church while the minister is atthe fact that few of our officials and citizens can read a foreign language, Should Be Denied and they are bolder than the man who writes in English. Finally, these editors, even if their attitude be known, are less susceptible to the restraining effect of American public opinion.

"If an American tries to reason with their readers it is 'only another evidence of American snobbery and persecution' of the foreigner. It is their constant effort to keep the alien out of touch with the real America and to play upon his sentiment for his native

gun to-day by a sub-committee of the these editors neglect no opportunity to which he gets the water. discredit America, America's allies, our "Most of our allens came over here war programme, our President and our to share in the burdens of government. archists, opposed to all warfare except "We have a right to look for active

which he defined what constituted treawhich he defined what constituted treason, sedition and a breach of the peace.
He pointedly warned O'Leary and his
friends that the Police Department
would rigidly enforce the law against
the preacher of disloyalty.

O'Leary, who has made a national
O'Lea opinion as to how this control shall be ask him why should he yield to it, and agreement that action should be Their direct advice is never more than they would lose all sympathy for the

language newspapers in not read English, we should be foolish America. New York alone has about to cut them off from any newspapers at 200. Their combined circulation runs | all and thus put them at the mercy of into millions-much more, despite ex- the rumor monger-that would be givaggerated claims, than that of the ing German agents too fine a tool

but its quality is far more important: bar these papers from the mails. They must depend solely for their infor- City now do, with practically their enmation as to current events on publi- tire issue. A responsible and alert Fedcations in their own language. Resi- eral officer should have the power to

tempting to pray.

## Rights of Citizens

"If these editors won't help America, they should be denied the oppor tunity to injure her. If one moment they shout that because they are not citizens they should not be made to do their part to uphold the government, they should not be allowed the next moment to claim the privileges which go with citizenship,

"They are deliberately poisoning the minds of a large section of our population. It makes no difference that they do it 'within the law' and indirectly. One might as well poison the water a "With such a large and fertile field man drinks as to polson the well from

the industrial warfare of the I. W. W. sympathy from every resident of this ers that ours is a government of cap. if we fail to get that, we have a right italists, that President Wilson is the to demand at least his neutrality; and craven tool of Wall Street, that our if we fail to get that, it is our duty to people do not want war, no matter use whatever force may be necessary to

for mothers, sweethearts and devoted ents of them. But they are warned not sisters to furnish their relatives and friends who will begin entertaining for the cantonments September 5. A partial list of the actual needs of the small bundles. Members of local boards the cantonments September 5. A parselective service recruits was given by may be instructed to inspect any bulky an officer of the Provost Marshal Gen-Officials Warn Parents and an officer of the Provost Marshal Genan officer of the Provost marshal Gen-to carry to camp, and unnecessar eral's staff to-day. These are the articles are likely to be thrown out

watches, it was admitted, and sweet-

Boys With Useless Articles

WASHINGTON, Aug. 23.—Don't load your sons down with trunks and kits

A toothbrush, an extra suit of light underclothes, some handkerchiefs, a pair of men de net carry with them.

## Germans Starved Irish Prisoners, **Declares Gerard**

Pictures Outrages Against Celtic Race; Shooting of Captives Concealed

### U. S. Soldiers Likely to Meet Harsh Fate; Ambassador Recovering

former Ambassador to Germany, to-day sent a message to Irishmen in Chicago, who were under the impression that the Irish are great favorites with the

"If the Irish people of Chicago could see, as I saw, the way the Irish prisoners were treated; if they could talk with the prisoners, and if they could see the way they were dying in prison Germans," said Mr. Gerard.

### Sees Like Fate for Americans

"American prisoners will probably be treated about the same way. The Germans care no more about the Irish than they do about the English. The camp at Limburg-about 2,500 of them. The Germans sent Sir Roger Casement to the camp to enlist men for his Irish He got about thirty to go not for a moment minimize the danger editors of foreign-language newspapers with him. When he went back to the camp for more volunteers the Irishmen chased him away, and there was nearriot for a time.

language, I am convinced that their ultimate effect will be much less than that threatened by the anti-American newspapers published in fereign that the face of Mr. Hearst. They are doing splendid and effective work in placing before their readers the facts which underlie America's participation that the guards were shooting and killing Irish prisoners. One prisoner was killed even while I was trying to investigate the reported murner which underlie America's participation. of one man was concealed from me, and there is no telling how many other "It is because of these men, because they are furnishing honest information to people who would otherwise be the trief to people who would otherwise be the trief to be trief to be the trief to be the trief to be the trief was able to get any satisfactory expla-

nation of the shootings. In one case the guard was exonerated and had the charming taste to attend the funeral of his victim. I made repeated demands to see the prisoners who were present when the men were killed, but was never able to make any headway."

Pacifists to Get

Chilly Reception

Gerard's Condition Improved Mr. Gerard has cancelled his engagement to speak in Milwaukee tonight, but hopes to be able to go to Minneapolis for a labor meeting tomorrow night. He is still confined to his bed at the Blackstone Hotel, and while his attack of lumbago is losing its hold his physician gave orders to-day that his patient must not attempt to attend the Milwaukee demonstra-

Warning to America tion.

Mr. Gerard has warned the United States government that it should be prepared to ameliorate the condition of United States soldiers taken prisoners

"Their treatment will probably vary according to the disposition of the camp commanders," said Mr. Gerard. "They will be victims of individual outbursts of hate, the same as the English and Irish have been. This countries of the countries of th

diate use if any Americans are capt-

"The Germans will not feed American prisoners—that is, give them enough to eat—and this country must furnish food. They should also be given sweaters, heavy shoes, underwear, overcoats, etc."

The People's Council thought Minnesota would be an auspicious place in which to hold its convention.

Looked Like Ideal Place

### Arrival of Vessels

### Forty-eight Ships From Abroad Reach United States Ports

Forty-eight ships from foreign ports arrived in harbors on the Atlantic Coast and the Gulf of Mexico during the twenty-four hours ended August 22, according to the announcement made yesterday by the Collector of the Port. The aggregate tonnage was 96,000, and is the smallest number of vessels to arrive since the government officials began issuing daily reports: The list includes twelve American

vessels, twenty-one British and fifteen of various other nations. Following is

Margaret May Riley (B) sch.)
Maryland (Am.)
Nelson (Am.)
Nelson (Am.)
Nelson (Nor.)
Nita M.
sch.)
Nexada (Dan.)
Oita (Miler (Br. sch.)
Oita (Nor.)
Oita (Cuban)
Prina der Nederlander
(Dutch) Panama (Am.) Port Antonio (Nor.)

## Chilly Reception In Minneapolis

War Demonstrations Mock Preparations for Peace Meeting

MINNEAPOLIS, Aug. 23 .- Minneapolis is going to entertain next week by the Germans, though he hopes that the greatest collection of professional there will be none. pacifists, Socialists, I. W. W. and draft

chicago, Aug. 23.—Murder and organized starvation are features of the welcome that the Germans give Irish prisoners captured in battle, to show the great affection the Teutons have for the Celtic race. James W. Gerard, former captured to the description of the Celtic race. James W. Gerard, former captured to the bureau for immediate use if any Americans are captured.

Minneapolis has elected a Socialist Mayor by a large majority; New Ulm, a little city in the midst of a big German settlement, had pulled off an antiwar demonstration and got away with it—until yesterday, when its Mayor, City Attorney and County Auditor were removed from office by the Governor for taking part in it; the I. W. W. had found Minnesota a fertile field, and three of Minnesota's ten Representatives in Congress had voted against the President on the war issue. But when Louis P. Lochner, Henry Ford's successor on the peace ship, and secretary of the council, arrived in Minneapolis to arrange for the meetwar demonstration and got away with

encouraging as he had expected.

He started out to look for a hall a which to hold the meeting. But then were to halls to be had. Managen with one accord began to make excuss. Many came right out and teld his frankly their buildings could not be used for any such purpose as the pel's Council had in mind.

And so the meeting is to be hadden. ple's Council had in mind.

And so the meeting is to be held in tents apon vacant property owned by S. A. Stockwell, Minneapolis pacific, near Minnehaha Falls. In one tent the delegates are going to hold forth from September 1 to 8. In the other a continuous performance will be staged for the benefit of the public. Mr. Lochner also strived in Minnesota to find loyalty demonstration springing up in all parts of the state to counteract the effects of the Nav Ulm meeting. He found union laber in Minneapolis had formed a loyalty league, which is to have a big demonstration Friday night, with James W. Gerard and Clarence Darnes W. Gerard and Clarence Darnes W.

speakers.

He found arrangements under var

He found arrangements under var

And the second arrangements under var

He found arrange for a national conference in Minn-applis of the American Alliance for Labor and Democracy to be held September 5 to 7.

September 5 to 7.

He came just too late to attend a previous demonstration in which 40,000 people took part. And he found there was talk of Minnesota's war beard, expublic safety commission, calling his meeting off entirely.

Meanwhile, Minneapolis is toing about its business as usual, refusing to get at all heated up about the gathering. Mr. Lochner brought a presagent with him, but his stuff finds its way to newspaper waste baskets as fam, as he turns it out. Preparations are going on for the greatest peace meeting ever held, he says. But Minneapolis yawns.

### Emma Goldman to Fight

Extradition of Berkman Emma Goldman, the anarchist leader, who has been silent ever since she was convicted of conspiracy to obstruct the draft law, announced yesterday that she intends again to speak in

public.

She will speak at Liberty Park.

Evergreen, L. I., on September 3 to
protest against the proposed extradiction of Alexander Berkman to San

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Courtlandt Av., cor. 148th St.

Smith St., cor. Livingston St. Graham Av., cor. Debevoise St. Pitkin Av., cor. Rockaway Av.

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